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GIORDANO LAW OFFICES PLLC

March 11, 2020

VIA ECF

Hon. Alvin K. Hellerstein
United States District Judge
United States District Court, Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

*Opp's papers to
pl's revised motion
are due April 19, 2020.
Reply papers, by April
17, 2020 - 3/13-2020
[Signature]*

Re: Cojocar and Haber v. CUNY, et al., Case No. 19-cv-5428 (AKH)

Your Honor:

On behalf of Defendants Barry Spunt and Leonardo Dominguez and Mr. Robert Herbst's client Defendant Ric Curtis, we respectfully request that the Court set a briefing schedule that would permit us to file our opposition to Plaintiffs' revised motion to dismiss our counterclaims on May 1, 2020. This is our first request for an extension of time to oppose Plaintiffs' revised motion to dismiss. The next status conference is scheduled for April 3, 2020.

As previously stated in our March 10, 2020 letter, Mr. Herbst is currently preparing for a jury trial in a Sarbanes Oxley whistleblower case with an extensive testimonial and documentary record scheduled to commence on April 6, 2020 before Judge Torres in this District, which is expected to last two to three weeks. *Ashmore v. CGI*, 11 Civ. 8611 (AT). I also have a significant trial scheduled for the month of April. Jury selection will commence in Kings County Supreme Court on April 16, 2020 in *Maycock v. Joseph, et al.*, Index No. 505751/2014.

This briefing schedule would not affect the discovery schedule in any way, as all counsel currently anticipate that ESI issues will not be resolved and production completed before May. Counsel for Defendants Marcus and CUNY have taken no position on this request. Plaintiffs' counsel does not consent and provided no reason.

Respectfully Submitted,

Carmen Giordano, Esq.
Attorney for Defendants Spunt & Dominguez

CC: Via ECF
All Counsel of Record